

Preliminary Classification:

Proposed Class: 424

Subclass:

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450



## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Frank C. Kohn

For (title): CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED  
TREATMENTS

## 1. Type of Application

This application is for a continuation.

## 2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

*(Express Mail label number is mandatory.)*

*(Express Mail certification is optional)*

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date September 9, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EL999246960US.

Date: 9/9/03

Debra Dunn-Brown

Type or print name of person mailing paper

Debra Dunn-Brown

Signature of person certifying

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are  
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR  
U.S. APPLICATIONS CLAIMED.

**3. Papers Enclosed**

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design)  
Application

52 Page(s) of Specification  
9 Page(s) of Claims                          No. of Claims 37

B. Other Papers Enclosed

1 Page(s) of Title Page  
1 Page(s) of Abstract  
3 Page(s) of Declaration and Power of Attorney  
1 Page(s) of Fee Transmittal Sheet  
1 Page(s) of Express Mail Certificate  
4 Page(s) of Patent Application Data Sheet  
1 Page(s) of Notification of Filing of Continuing Application  
1 Page(s) of Check No. 23388 for \$1,056.00  
1 Page(s) of Return Postcard

**4. Declaration or Oath**

Enclosed

Executed by inventor.

**5. Inventorship Statement**

The inventorship for all the claims in this application is the same.

**6. Language**

English

**7. Fee Calculation (37 C.F.R. § 1.16)**

Regular Application

CLAIMS AS FILED

Number Filed	Number Extra	Rate	Basic Fee 37 C.F.R. § 1.16(a)
			\$750.00
Total Claims (37 C.F.R. § 1.16(c))	37 - 20 = 17	x \$ 18.00	= \$ 306.00
Independent Claims (37 C.F.R. § 1.16(b))	1 - 3 = 0	x \$ 84.00	= \$ 0.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))		\$ 280.00	\$ 0.00

Filing Fee Calculation \$1,056.00

**8. Fee Payment Being Made at This Time**

Enclosed

Filing Fee \$1,056.00

**Total Fees Enclosed \$1,056.00**

**9. Method of Payment of Fees**

Attached is Check No. 23388 in the amount of \$1,056.00.

The Office is hereby authorized to charge any additional fees required by this paper or credit any overpayment to Account No. 50-2548.

A duplicate of this paper is attached.

**10. Instructions as to Overpayment**

Credit Account No. 50-2548.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.  
APPLICATIONS CLAIMED  
(37 C.F.R. § 1.78)**

**11. Relate Back**

**A. 35 U.S.C. Sections 120, 121 and 365(c)**

This application is a continuation of copending application of Application number 09/620,652 filed on July 20, 2000.

The nonprovisional application designated above, namely application 09/620,652, filed July 20, 2000, claims the benefit of U.S. Provisional Application Nos.:

<b>APPLICATION NO.</b>	<b>FILING DATE</b>
60/146,083	07/28/1999

**12. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

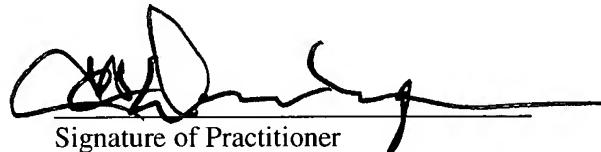
**13. NOTIFICATION IN PARENT APPLICATION OF THIS FILING**

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: Sept. 9, 2003

Reg. No.: 35,124

Tel. No.: 864-250-2238



Signature of Practitioner

Charles E. Dunlap  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211-1070

17621 U.S. PTO  
09/03

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,056.00)

## Complete if Known

Application Number	Not yet assigned
Filing Date	September 8, 2003
First Named Inventor	Frank C. Kohn
Examiner Name	
Art Unit	
Attorney Docket No.	17396/09156

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number  
50-2548

Deposit Account Name  
Nelson Mullins et al

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	750
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 750.00)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Fee from Extra Claims below			Fee Paid
	37	-20** = 17	x 18	= 306
Independent Claims	2	- 3** = 0	x 84	= 0
Multiple Dependent			0	= 0

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 306.00)	

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

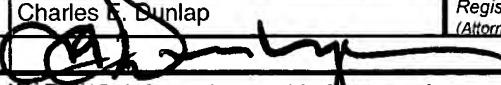
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Charles E. Dunlap	Registration No. (Attorney/Agent)	35,124	Telephone	864-250-2238
Signature				Date	September 9, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank C. Kohn

Application No.:

Group No.:

Filed:

Examiner:

For: CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED TREATMENTS

**Mail Stop Patent Application**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EL999246960US

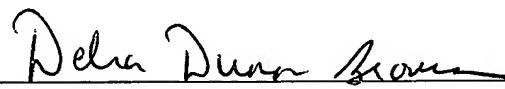
Date of Deposit 09/09/2003

I hereby state that the following *attached* paper or fee

1. Notification of Filing of Continuing Application (1 page)
2. Fee Transmittal (1 page)
3. New Application Transmittal w/ duplicate (4 pages each)
4. Patent Application Data Sheet (4 pages)
5. Non-Provisional Application with Title Page and Abstract (63 pages)
6. Executed Declaration and Power of Attorney (3 pages)
7. Check No. 23388 for \$1,056.00 (1 page)
8. Return Postcard (1 page)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Debra Dunn-Brown

  
\_\_\_\_\_  
Signature of person mailing paper or fee

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Frank C. Kohn

Application No.: 09/620,652

Filed: July 20, 2000

For: CONTROL OF SHOOT/FOLIAR FEEDING PESTS WITH PESTICIDE SEED TREATMENTS

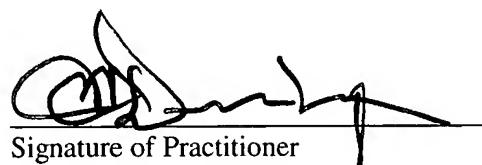
Group No.: 1616

Examiner: Levy, Neil S.

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**NOTIFICATION OF FILING OF CONTINUING,  
DIVISIONAL OR CONTINUED PROSECUTION APPLICATION**

Notification is hereby being made of the filing of a continuation application for this case concurrently herewith.

Date: Sept. 9, 2003

  
Signature of Practitioner

Reg. No.: 35,124

Tel. No.: 864-250-2238

Charles E. Dunlap

Nelson Mullins Riley &amp; Scarborough, LLP

Keenan Building, Third Floor

1330 Lady Street

Columbia, SC 29201

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**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

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## TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_


  
Signature
Date: 9/9/03

Debra Dunn-Brown  
*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.